

GSA Board of Contract Appeals

§ 6104.1

(b) *Notice of docketing.* A request for review will be docketed by the Office of the Clerk of the Board, and a written notice of docketing will be sent promptly to the claimant, the Director of OTA, and the agency for which the services were provided. The notice of docketing will identify the judge to who the claim has been assigned.

§ 6103.3 Responses to claims [Rule 303].

(a) Within 30 calendar days after docketing by the Board, OTA and the agency for which the services were provided shall each submit to the Board:

- (1) A simple, concise, and direct statement of its response to the claim;
- (2) Citations to applicable statutes, regulations, and cases; and
- (3) Any additional information deemed necessary to the Board's review of the claim.

(b) A copy of these submissions shall also be sent to the claimant.

§ 6103.4 Reply to OTA and agency responses [Rule 304].

If the claimant wishes to reply to the OTA or agency responses it must inform the Board within 10 calendar days after receiving the responses. The judge will establish the time frame for submission of the reply.

§ 6103.5 Proceeding [Rule 305].

(a) *Conferences.* The judge will not engage in ex parte communications involving the underlying facts or merits of the claim. The judge may hold a conference with the claimant, OTA, and the agency at any time, for any purpose. The judge may provide the participants a memorandum reflecting the results of a conference.

(b) *Additional submissions.* The judge may require the submission of additional information at any time.

§ 6103.6 Decisions [Rule 306].

The judge will issue a written decision based upon the record, which includes submissions by the claimant, OTA, and the agency, and information provided during conferences.

§ 6103.7 Reconsideration of Board decision [Rule 307].

(a) A request for reconsideration may be made by the claimant, OTA, or the agency. Such requests must be received by the Board within 15 calendar days after the date the decision was issued. The request for reconsideration should state the reasons why the Board should consider the request.

(b) Requests for reconsideration are not favored. Mere disagreement with a decision or re-argument of points already made are not sufficient grounds for reconsidering the decision.

§ 6103.8 Payment of successful claims [Rule 308].

The agency for which the services were provided shall pay amounts the Board determines are due the claimant.

PART 6104—RULES OF PROCEDURE FOR TRAVEL AND RELOCATION EXPENSES CASES

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6104.4 Reply to agency response [Rule 404].

6104.5 Proceedings [Rule 405].

6104.6 Decisions [Rule 406].

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6104.8 Payment of successful claims [Rule 408].

AUTHORITY: Sec. 211, Pub. L. 104-53, 109 Stat. 535; 31 U.S.C. 3702; 41 U.S.C. 601-613.

SOURCE: 61 FR 39098, July 26, 1996, unless otherwise noted.

§ 6104.1 Scope [Rule 401].

(a) *Authority.* Section 211 of the Legislative Branch Appropriations Act, 1996, Pub. L. 104-53, transfers certain functions of the Comptroller General to the Director of the Office of Management and Budget, and authorizes the Director to delegate any of those functions to another agency or agencies. The Director has delegated some of the functions contained in 31 U.S.C. 3702 to the Administrator of General Services, who has redelegated those functions to the General Services Administration Board of Contract Appeals.

(b) *Types of claims.* These procedures are applicable to the review of two

types of claims made against the United States:

(1) Claims for reimbursement of expenses incurred while on official temporary duty; and

(2) Claims for reimbursement of expenses incurred in connection with relocation to a new duty station.

(c) *Review of claims.* Any claim for entitlement to travel or relocation expenses must first be filed with the claimant's own department or agency (the agency). The agency shall initially adjudicate the claim. A claimant disagreeing with the agency's determination may request review of the claim by the Board. The burden is on the claimant to establish the timeliness of the claim, the liability of the agency, and the claimant's right to payment. The Board will issue the final decision on a claim based on the information submitted by the claimant and the agency.

§ 6104.2 Filing claims [Rule 402].

(a) *Filing claims.* A claim may be sent to the Board in either of the following ways:

(1) *Claim filed by claimant.* A claim shall be in writing and must be signed by the claimant or by the claimant's attorney or authorized representative. No particular form is required. The request should describe the basis for the claim and state the amount sought. The request should also include:

(i) The name, address, telephone number, and facsimile machine number, if available, of the claimant;

(ii) The name, address, telephone number, and facsimile machine number, if available, of the agency employee who denied the claim;

(iii) A copy of the denial of the claim; and

(iv) Any other information which the claimant believes the Board should consider.

(2) *Claim forwarded by agency on behalf of claimant.* If an agency has denied a claim for travel or relocation expenses, it may, at the claimant's request, forward the claim to the Board. The agency shall include the information required by § 6104.3.

(b) *Notice of docketing.* A request for review will be docketed by the Office of the Clerk of the Board, and a written

notice of docketing will be sent promptly to the claimant and the agency contact. The notice of docketing will identify the judge to whom the claim has been assigned.

(c) *Service of copy.* The claimant shall send to the agency employee identified in paragraph (a)(1)(ii) of this section copies of all material provided to the Board. If an agency forwarded a claim to the Board, it shall, at the same time, send to the claimant a copy of all material sent to the Board.

§ 6104.3 Response to claim [Rule 403].

(a) When a claim has been filed with the Board by a claimant, within 30 calendar days after docketing by the Board, the agency shall submit to the Board:

(1) A simple, concise, and direct statement of its response to the claim;

(2) Citations to applicable statutes, regulations, and cases; and

(3) Any additional information deemed necessary to the Board's review of the claim.

(b) A copy of these submissions shall also be sent to the claimant.

§ 6104.4 Reply to agency response [Rule 404].

If the claimant wishes to reply to the agency response, it must inform the Board within 10 calendar days after receiving the response. If the claim has been forwarded by the agency, the claimant shall have 10 calendar days from the time the claim is docketed by the Board to request the opportunity to reply. The judge will establish the time frame for submission of the reply.

§ 6104.5 Proceedings [Rule 405].

(a) *Conferences.* The judge will not engage in ex parte communications involving the underlying facts or merits of the claim. The judge may hold a conference with the claimant and the agency contact, at any time, for any purpose. The judge may provide the participants a memorandum reflecting the results of a conference.

(b) *Additional submissions.* The judge may require the submission of additional information at any time.

GSA Board of Contract Appeals

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§ 6104.6 Decisions [Rule 406].

The judge will issue a written decision based upon the record, which includes submissions by the claimant and the agency, and information provided during conferences.

§ 6104.7 Reconsideration of Board decision [Rule 407].

(a) A request for reconsideration may be made by the claimant or the agency. Such requests must be received by the Board within 15 calendar days after the

date the decision was issued. The request for reconsideration should state the reasons why the Board should consider the request.

(b) Requests for reconsideration are not favored. Mere disagreement with a decision or re-argument of points already made are not sufficient grounds for reconsidering the decision.

§ 6104.8 Payment of successful claims [Rule 408].

The agency shall pay amounts the Board determines are due the claimant.

CHAPTER 63—DEPARTMENT OF TRANSPORTATION BOARD OF CONTRACT APPEALS

(Parts 6300 to 6399)

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